

DECLARATION OF TONY RUSSELL SHRADER

I, Tony Russell Shrader, having had the benefit of counsel, make the following declaration under penalty of perjury voluntarily without coercion, duress or undue pressure of any kind:

1. On or about July 19, 2010, I filed a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 ("Section 2255 Petition").

2. An evidentiary hearing on my Section 2255 Petition is scheduled for June 14, 2011.

3. I have consulted with my Court-appointed lawyer, Paul G. Beers, by telephone.

4. I have decided to withdraw, abandon and dismiss voluntarily my Section 2255 Petition.

5. I ask that the hearing scheduled for June 14, 2011, be cancelled.

6. I understand that the hearing scheduled for June 14, 2011, once cancelled by the Court, shall not be rescheduled.

7. I understand that my Section 2255 Petition, once dismissed at my request, shall not be considered by the Court and that I may have no right to refile my Section 2255 Petition or obtain judicial review of the claims, grounds or complaints set forth in my Section 2255 Petition.

8. I understand that by voluntarily dismissing this action I effectively give up or waive any right to appeal the Court's Opinion and Order filed March 3, 2011, granting in part and denying in part the government's Motion to Dismiss my Section 2255 Petition.

9. I direct my lawyer, Paul G. Beers, to file all necessary motions so that my Section 2255 Petition is dismissed from the Court's docket and I authorize him to file this Declaration with the Clerk of Court as a public document and to share it with other interested parties, including the Office of the United States Attorney for the Western District of Virginia.

Executed this 6 day of may, 2011.

TONY Russell Shrader
Tony Russell Shrader